



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 23, 1991

Ms. Elaine H. Piper  
Assistant City Attorney  
Police Legal Advisor  
City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79999

OR91-657

Dear Ms. Piper:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13610.

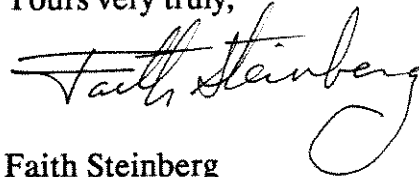
The City of El Paso received an open records request for "all information and documentation contained in the E-911 Enhanced Emergency Communications District CAD files" pertaining to emergency telephone calls made in connection with the burglary of an Exxon service station. The city also received a subsequent request for all police dispatch records for a specified period of time on the same date of the above referenced burglary and a copy of the police department's procedure manual for dispatch operators. You submitted to this office for review a tape recording of the 911 calls and the subsequent dispatch of the police, a representative sample of the computer records from Computer Aided Dispatch (CAD), and a copy of the police department's "Communications Operations Manual." You contend the requested information comes under the protection of, *inter alia*, section 3(a)(3).

To secure the protection of section 3(a)(3), a governmental body must first demonstrate that a judicial or quasi-judicial proceeding is pending or reasonably anticipated. Open Records Decision Nos. 452 (1986); 360 (1983). Further, the governmental body's attorney must show that the requested material relates to the litigation. Open Records Decision No. 551 (1990).

You have demonstrated that the requestor represents an individual who intends to file a civil lawsuit against the city in connection with the manner in which the police were dispatched to the burglary scene. Clearly, the requested information would relate to the issues arising from such litigation. Accordingly, the city may withhold the requested information pursuant to section 3(a)(3) until such time it is properly sought during the discovery process.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-657.

Yours very truly,

A handwritten signature in cursive script, reading "Faith Steinberg". The signature is written in dark ink and is positioned above the printed name and title.

Faith Steinberg  
Assistant Attorney General  
Opinion Committee

FS/RWP/lcd

Ref.: ID# 13610  
ID# 13776

Enclosures: Submitted documents  
Tape recording

cc: Ken Powell  
Attorney at Law  
1011 N. Mesa  
El Paso, Texas 79902  
(w/o enclosures)